

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	NO. CR-05-2132-RHW
Plaintiff,)	
)	ORDER GRANTING MOTION TO
v.)	RECONSIDER (Ct Rec. 13) AND
)	ORDER DENYING ORAL MOTION
JOSE E. CIENFUEGOS-CARVAJAL,)	FOR RELEASE (Ct Rec. 18)
)	
Defendant.)	

On December 19, 2005, this court held a bail review hearing. Shawn Anderson, Esq., appeared for the government. Defendant was present with CJA counsel Aaron Dalan, Esq.

The defendant moved for reconsideration of the Court's previous order of detention filed November 17, 2005.

The Court **granted** defendant's motion to reconsider (Ct Rec. 13).

Counsel for the defendant orally moved for the defendant's release stating there are conditions which would assure defendant's appearance as required and protect community safety.

The government called Immigration Senior Special Agent Cory Susan to testify on its behalf. Agent Susan was examined and cross examined.

ORDER GRANTING MOTION TO
RECONSIDER AND ORDER
DENYING RELEASE - 1

1 The government argued that there has not been a change in
2 circumstances since Defendant's detention hearing on November 17,
3 2005 and defendant is still being detained by Immigration.

4 Having considered argument of counsel, the file materials
5 submitted and the testimony presented, the Court concludes there
6 remains an absence of condition or conditions that could be
7 imposed that would reasonably assure this defendant's presence at
8 trial and further, that the evidence is clear and convincing that
9 there are no conditions that could be imposed which would protect
10 community safety.

11 The Court **denied** defendant's motion for release (**Ct Rec.18**).

12 **IT IS SO ORDERED.**

13 DATED this 19th day of December, 2005.

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16 s/ MICHAEL W. LEAVITT
United States Magistrate Judge